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WILL LOCK UP POLICE IF THEY RAID HEALY'S, MAGISTRATE DECLARES

Deuel Will Issue Warrants Against Offenders and Show Them No Courtesies, He Says, When He Is Told That Healy's Is a Hotel.

M'KAY CONSULTS MAYOR AND SAYS ORDER STANDS

Healy Assures Patrons He Will Keep Open To-Night as Long as They Care to Stay.

Magistrate Deuel in the West Side Court this afternoon arrayed himself with Chief Justice Zeiler of Special Sessions against the police in their recent attempt to shut at 1 o'clock sharp all restaurants where liquor is sold. The occasion was the appearance before him of Acting Captain Hart of the West Sixty-eighth street station, whom Thomas Healy, owner of the restaurant at Columbus avenue and Sixty-sixth street, which the police entered and cleared of diners by force this morning, had summoned to court on a charge of oppression. Healy's summons was applied for yesterday and was directed at the act of the police on Monday night, when they had merely refused to let those who remained in the restaurant after 1 o'clock leave the place.

Magistrate Deuel evidently had in mind the high handed action of the police who, led by Inspector Dwyer, rushed the restaurant this morning and ejected men and women alike, hustling and shoving even the women out through the doors with no gentle hands.

"I shall issue no more summonses in cases like this," declared the magistrate, "but, instead, I will issue warrants for the arrest of these policemen and lock them up, and extend to them no courtesies."

Hart was accompanied to court by Inspector Dwyer and Assistant Corporation Counsel Godfrey. Mr. Healy had Edward Kelly of No. 35 Nassau street, his lawyer, with him. Mr. Godfrey asked at once for an adjournment of the case, saying that he had not had time to study its merits.

HEALY'S RESTAURANT PROVES TO BE A HOTEL.

Magistrate Deuel, under a misapprehension of the status of Healy's restaurant, said: "When I issued this summons I did so because I thought it my duty to put an end to this police persecution. But I won't continue it. I am going to dismiss it at once. I was under the impression that Healy conducted a hotel, not a cafe."

"Why, so he does, Your Honor, so he does! That's just what it is, a hotel," interrupted Mr. Kelly before Magistrate Deuel could continue.

"You mean it is a regular hotel like the Astor or the Waldorf or any other big hotel?" inquired the magistrate, as though he doubted.

"That's exactly what I mean," went on Kelly. "It's a regular hotel, just as much a hotel as any in the city."

"That puts a different light on the proposition," declared Magistrate Deuel. "Had it been a cafe, pure and simple, the police would have been justified in expelling the guests when they refused to leave at the legal closing time. In this case, however, they were not justified in placing a hand on a single person."

"If proper complaint is made to me again in a case like this against the police I'll issue no summons. I'll issue a warrant. If this man Healy is keeping a hotel and has a proper license he has a perfect right to keep his place open and to serve his guests with food. The police have no more right to enter that place and disturb persons at meals than they have to go upstairs and disturb the sleepers."

"I shall do everything in my power to stop such disgraceful scenes as were enacted last night. I shall be right here whenever I am wanted and I shall issue warrants when they are asked for."

Since the charge against Hart was

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MAN FOUND SLAIN, GAGGED AND BOUND IN STRANGE ROOM

Police Hunt Two Youths and Girl Who Rented Place Last and Disappeared.

SUSPECT BADGER GAME.

Victim Is William G. Martin, Prominent Milliner of Toronto, Canada.

A tall, slim man, with a saturnine face, who passed under the name of Johnson, and a bleached blonde who was known as his wife, walked out of the furnished room house owned by Mrs. Theodore Jones, at No. 483 West Fifty-seventh street, last Monday afternoon, after having been ordered to give up the back parlor they had been occupying for just six days.

At 10 o'clock last night Mrs. Jones and her husband, letting themselves into the vacant room with a key, found the body of a man lying on the bed, his hands bound behind his back with a piece of gas tubing and a towel stuffed in his mouth. Coroner's Physician Weston determined by autopsy that the man had been strangled.

The murdered man was soon identified as W. G. Martin, a well-to-do millinery dealer with a large establishment at No. 78 Charlotte street, Toronto, Canada. He had been robbed of a diamond ring worth \$250, a gold watch, scarf pin, cuff links and his wallet containing several hundred dollars.

Late in the afternoon two persons whose names were kept secret by the police called at the West Forty-seventh street station and were closeted with Deputy Commissioner Dougherty in active charge of the detectives. They were a small, neatly dressed man and a pretty young girl, decidedly blond; both possessed a provincial air and did not seem like city dwellers. Neither they nor Dougherty would reveal the object of their mission.

ONLY CLUE COMES FROM THE MURDERED MAN.

A single clue to the murderers of Martin and one believed to be strong enough to lead to speedy arrests was one given by the victim himself a few hours before the time he is supposed to have walked into a death trap. Going to the apartment of Mrs. Hannah Barrett, an old friend of his, at No. 36 West Fifty-eighth street at 8 o'clock, Martin exclaimed excitedly:

"I have just seen—(he names the police have). He is an old friend of mine and he wants me to come around and see his two sisters, who are nurses in some hospital here, before I go back to Toronto to-morrow."

Martin then left the apartment on West Fifty-eighth street and was never seen alive again by his friends.

Here the story of the lodging shifts to the rear parlor of the lodging house at No. 483 West Fifty-seventh street and concerns itself with the lodgers in that room. On Tuesday, Aug. 5, two people called at the furnished room house and told Mrs. Theodore Jones they wished to look at a room. One was an undersized, very over dressed and dandified youth; the other a woman whose hair was so light she might almost be taken for an albino. The youth introduced himself as Mr. Johnson, said the woman was his brother's wife and that when they had picked out a room the brother would come with their effects later in the day.

They chose the rear parlor on the ground floor. Near night a tall, slender man with black hair and a thin drawn face, came with two grips. He said he was Mr. Johnson, husband of the woman who had already installed herself in the room. The dapper youth in the flashy clothes left when the older man came.

Nothing occurred in the rear parlor to break the even tenor of the rooming house until last Thursday night. Then, near midnight, Mrs. Jones, who sleeps in the front parlor, was roused from sleep by the noise of a flat banging on a door. The bang-bang continued uninterruptedly. Mrs. Jones, going to the wall which separates the front from the back parlor, heard the noise of whispering in the room occupied by the Johnsons. Then she heard Johnson open the door and call:

"Beat it, you! We won't let you in and we don't want you around here!"

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BROOKLYN WINS FIRST GAME.

AT BROOKLYN—	1	0	0	0	0	0	0	2	1	—	4
PITTSBURGH	1	0	0	0	0	0	0	2	0	—	3
Batteries—Curtis, Wagner and Miller; Robinson, Camnitz and Gibson.											

BROOKLYN
SECOND GAME.

Q	1	3	0	3	0	0	0	0	—	7
PITTSBURGH										
0	0	3	0	0	0	0	0	0	—	3

Batteries—Yingling and Miller; O'Toole and Simon.

HELD IN RENO AGAINST WILL BY DIGGS, SAYS GIRL

Miss Warrington Declares She and Chums Wanted to Go Back to Sacramento.

SAN FRANCISCO, Aug. 12.—Taking up the story of her relations with Miss Warrington, who she interrupted at yesterday's adjournment of court, Miss Marsha Warrington today resumed the stand in the trial of Diggs on a charge of violating the Mann White Slave act. She sketched briefly the events preceding the arrival of herself, Diggs, Camnitz and Miss Lois Norris at Reno and then said:

"After our arrival at Reno we went to Riverside Hotel, where Diggs and I occupied one room and Miss Norris another. Diggs introduced me at a real estate office as his wife when we were trying to locate a bungalow."

Miss Warrington declared that after the quartet reached Reno she and Miss Norris wrote letters to home friends, but Diggs would not let them mail them. "We girls wanted to go back to Sacramento," but Diggs and Camnitz said we must not," said the witness. "They said if we went back that would reveal their whereabouts."

"It was when we went to a real estate office to rent a bungalow that I was introduced as Diggs' wife. After we had taken the bungalow and were installed in it, Diggs and Camnitz told us girls not to leave the house, as we might be seen by some one who knew us."

Special Prosecutor Roche was relentless and refused to stir over any of the details of the life of the quartet in Reno. He forced the witness, blushing painfully, to tell everything without reserve. Under his questioning the girl said that her relations with Diggs already had been improper.

After lengthy examination regarding the three days spent in the bungalow Roche switched to the night the quartet were arrested. Miss Warrington said:

"When the officers rapped on the door we were in the bathroom. Mr. Bradley, my uncle, came into the bungalow with the officers. When we saw him we girls started to cry and he put his arms around us to comfort us. He said the request to Diggs I telephoned to my father at Sacramento and asked him to have the warrants for our arrest withdrawn. He said that he couldn't do it and in the hands of the State."

SARATOGA WINNERS.

FIRST RACE—Lady Lightning, 10 to 5 and even, first; Honey Bee, 8 to 5 for place, second; Royal Message, third. Time, 1:15 4-5.

SECOND RACE—Juvencio, 7 to 1 for place, second; Bill Anderson, 4 to 1 for place, second; Octopus, third. Time, 1:28 3-4.

THIRD RACE—Old Rosebud, 1 to 5 and out, first; Black Broom, 2 to 1 for place; Fomette Blen, third. Time, 1:15 3-4.

FOURTH RACE—First of My Life, 11 to 5 and 4 to 5, first; Princess Callaway, 8 to 5 for place, second; Barnegat, third. Time, 1:28 3-4.

FIFTH RACE—Northstar, 5 to 1 and 3 to 1, first; Old Ben, 6 to 1 for place, second; Yankee Tree, third. Time, 1:07.

SIXTH RACE—Virtile, 3 to 1 and even, first; Scallywag, 8 to 5 for place; Little Jupiter, third. Time, 1:40.

Mrs. Jones opened her own door then in time to see a tall man whose face she could not distinguish turn under a ground to Fisher and died at first. Carey bounced one to Smith, who tossed him out. Vio's hot grounder took a

MURPHY, AT PHONE 24 HOURS, 'BREAKS' HIS GOVERNOR

Warwick of Tammany Triumphs From Silent Back Room Before 'Ringing Off.'

M'CLELLAN, THEN SULZER

Portraits Shined in Library of "Boss" Vanish as Puppets Are Dethroned.

They spoke in whispers and waited on tiptoe to-day in the house of Charles F. Murphy at No. 20 East Seventeenth street, for "the boss" slept late. Nothing must disturb him, so the orders were, until he awakened of his own accord.

All through the night this Warwick of Tammany, who made a Governor and then pulled him down again, had kept ceaseless vigil over the proceedings of the Legislature. The telephone was the long arm of authority stretching from the back room of his house that could be called a library if there were books in it, up to the Capital on the hill at Albany, where impeachment of Gov. Sulzer was voted by orders of the invisible ruler in New York.

SULZER'S PORTRAIT FOLLOWS THAT OF M'CLELLAN.

In this back room once stood on an easel a large portrait of George B. M'Clellan. Mr. Murphy made him great and then let him pass into oblivion because they quarreled. With the passing went the portrait. It was succeeded by one of Gov. Sulzer, smaller in size, less prominent in position. That too has gone.

There remains, however, the telephone, so secret a channel of communication that does not leave a dangerous trail of letters and checks. This was the word that "the boss" whisked at long distance and with it dispatched a puppet who dared defy his authority.

There is nothing about the exterior of the brownstone house at No. 20 East Seventeenth street to distinguish it particularly from its neighbors. There are summer awnings over its windows and the brasses are polished brightly, but the same characteristics are noticeable next door.

But last night there was a difference within doors. The lights of No. 20 burned until daylight, although the front shades were drawn. To write what went on in the library would be mere guessing, because "the boss" does not go into battle surrounded by crowds of retainers and advisers. Three or four of the chosen confidants come and go, but he likes to operate best in silence and in secret.

HIS VICTORY WON AFTER NIGHT IN CONNING TOWER.

When the first vote of impeachment was reported to him, after 8 o'clock this morning, and the orders given for today's clinching of the victory, Mr. Murphy hung up the telephone receiver and went to bed. It was near 8 o'clock—the hour when the rank and file of Tammany is getting up for their day's labor.

"The boss" had won a great victory. His vigil had been a long one. It began early Tuesday morning at Good Ground, L. I., when he took a train to New York to assume active command of the fight. From morning to morning he had been close by his reliable telephone—a twenty-four hour duty.

But it was worth the effort. Dethroning and impeaching a Governor is not a trivial task. It is a chapter in political history. Therefore, the victorious "boss" slept late to-day while family and servants guarded him from intrusion—even via telephone.

RAIN HALTS GAME AT POLO GROUNDS.

POLO GROUNDS, Aug. 12.—The game today between the Giants and St. Louis Cardinals was called on account of rain in the first inning after one St. Louis player had been retired. There will be a double header to-morrow.

GLYNN IS GOVERNOR; SULZER IMPEACHMENT TRIAL OPENS SEPT. 18

Summons of Senate Ordered Served This Afternoon, but He Claims He Is Still Executive and Prepares to Fight.

COMPTROLLER'S OFFICE SHUTS OFF STATE FUNDS.

No Force Will Be Used by Glynn—Republican Senate Leader Urges All to Support Acting Governor.

By Martin Green.
(Staff Correspondent of The Evening World.)

ALBANY, Aug. 13.—Gov. William Sulzer was deposed from office by the Legislature this afternoon, to remain deposed until the Court of Impeachment, consisting of the Justices of the Court of Appeals and the Senate, which is to meet on Sept. 18, disposes of the impeachment against him.

Late this afternoon Acting Lieut.-Gov. Wagner, as President of the Senate, signed a summons commanding the Governor to appear before the Court of Impeachment. Attached to the summons were the articles of impeachment prepared by the Assembly. The summons was given to Patrick E. McCabe, secretary of the Senate, with instructions to serve it upon the Governor personally.

Sulzer declared that he would not allow McCabe to serve the summons. Gov. Sulzer will not vacate his office. No attempt will be made to put him out by force. He will continue to direct the departments under his control. Acting-Gov. Martin H. Glynn will act in concert with the Legislature and the departments of the State not controlled by the Governor.

TREASURY CLOSED TO SULZER.

The Acting Comptroller, Michael Walsh, will recognize the Glynn government and the Sulzer government will be unable to draw any money from the State Treasury after to-day.

President pro tem Wagner called the Senate to order at 3.15 o'clock, the Constitution barring the Lieutenant-Governor from participation in the impeachment proceedings.

A committee of three from the Assembly bearing notice of the impeachment of the Governor reported to the Senate this message:

"We do impeach William Sulzer, Governor of the State of New York, for wilful malfeasance in office and for high crimes and misdemeanors."

The acceptance of the articles of impeachment, it was contended, automatically removed Gov. Sulzer from office pending the outcome of his trial.

Mr. Levy was twenty minutes reading the articles of impeachment, accusing the Governor of grand larceny, bribery, oppression and other felonies. The document was handed to a page, who passed it up to the presiding officer. Senator Wagner announced that, acting as President of the Senate, he would convene the court of impeachment at noon on Sept. 18.

FRAWLEY MAKES A STATEMENT.

Senator Frawley said he desired to make a statement concerning a publication relative to a call he made on the Governor last night.

"I did call on the Governor," said Senator Frawley. "It was a call of friendship, and I shall call on him whenever he wants to see me. My friendship for the Governor endures even in these his darkest moments. I had a duty to perform to my colleagues and to the committee of which I was chairman, and that duty I tried to do in a manner eminently fair in every respect. As far as my appealing to the Governor or to anybody for protection or to hide anything that has happened in my legislative career I have nothing to fear from Sulzer, Mr. Hennessy or anybody in this State."

Senator Brown called the attention of the Senate and the Legislature to Article 4, Section 4 of the Constitution, which provides that the Governor, upon impeachment, shall be suspended by such impeachment from office, and the Lieutenant-Governor shall act as Governor until the disability of the Governor is removed. Senator Brown, the leader of the minority, said he hoped the Legislature would contribute all in its power to the aid of a single, recognized government of the State.

The Senate adjourned until next Tuesday at noon.

It was announced after a conference with counsel that Gov. Sulzer will

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